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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2010-454

12 **KRISTI MORRIS,**
13 **a.k.a. KRISTI MICHELLE MORRIS**
71 45th Street
14 **Sacramento, CA 95819**
Registered Nurse License No. 619974

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about June 19, 2003, the Board issued Registered Nurse License Number
23 619974 to Kristi Morris, also known as Kristi Michelle Morris ("Respondent"). Respondent's
24 registered nurse license was in full force and effect at all times relevant to the charges brought
25 herein and will expire on March 31, 2011, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11 6. Code section 2762 states, in pertinent part:

12 In addition to other acts constituting unprofessional conduct within the
13 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

14 (a) Obtain or possess in violation of law, or prescribe, or except as
15 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
himself or herself, or furnish or administer to another, any controlled substance as
16 defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022 . . .

17 7. Code section 2770.11 states:

18 (a) Each registered nurse who requests participation in a diversion
19 program shall agree to cooperate with the rehabilitation program designed by a
committee. Any failure to comply with the provisions of a rehabilitation program
20 may result in termination of the registered nurse's participation in a program. The
name and license number of a registered nurse who is terminated for any reason,
21 other than successful completion, shall be reported to the board's enforcement
program.

22 (b) If a committee determines that a registered nurse, who is denied
23 admission into the program or terminated from the program, presents a threat to the
public or his or her own health and safety, the committee shall report the name and
24 license number, along with a copy of all diversion records for that registered nurse, to
the board's enforcement program. The board may use any of the records it receives
25 under this subdivision in any disciplinary proceeding.

26 8. Health and Safety Code section 11170 states that no person shall prescribe,
27 administer, or furnish a controlled substance for himself.

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1 9. Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that
2 "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to
3 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
4 misrepresentation, or subterfuge . . ."

5 **COST RECOVERY**

6 10. Code section 125.3 provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **CONTROLLED SUBSTANCE AT ISSUE**

11 11. "Norco", a brand of hydrocodone bitartrate and acetaminophen, is a Schedule III
12 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

13 **RESPONDENT'S TERMINATION FROM BOARD'S**

14 **DIVERSION PROGRAM AS A PUBLIC SAFETY RISK**

15 12. On or about August 2, 2007, Respondent was enrolled in the Board's Diversion
16 Program. On December 18, 2009, the Diversion Evaluation Committee ("DEC") terminated
17 Respondent from the Diversion Program as a public safety risk. On November 2, 2009,
18 Respondent reported that she had relapsed on Norco and that she had been abusing Norco since
19 May 2009. Respondent was mandated by the DEC to a minimum of 60 days inpatient treatment.
20 Respondent entered St. Helena for 28 days, stating that was all her insurance would cover and
21 that she had used all of her money on attorney's fees. The DEC requested that Respondent enter a
22 residential sober living facility upon discharge. Respondent failed to comply. The DEC found
23 that Respondent was a public risk due to the severity and length of her relapse, the fact that her
24 sobriety could not be determined, and the fact that she was not willing to complete 60 days of
25 inpatient treatment.

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1 CAUSE FOR DISCIPLINE

2 (Diversion and Self-Administration of Controlled Substances)

3 13. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
5 subdivision (a), in that Respondent did the following:

6 **Diversion of Controlled Substances:**

7 a. Respondent obtained the controlled substance Norco by fraud, deceit,
8 misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173,
9 subdivision (a), as follows: Respondent, by her own admission, took Norco pills from the "med
10 machine" at work for her personal use/self administration.

11 **Self-Administration of Controlled Substances:**

12 b. Respondent self-administered the controlled substance Norco without lawful
13 authority therefor, as set forth in subparagraph (b) above.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 619974, issued to Kristi
18 Morris, also known as Kristi Michelle Morris;

19 2. Ordering Kristi Morris, also known as Kristi Michelle Morris, to pay the Board of
20 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
21 pursuant to Business and Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 3/18/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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